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REMARKS

In view of the above amendment and the following discussion, the Applicant submits that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. § 103. Thus, the Applicant believes that all of these claims are now in allowable form.

I. REJECTION OF CLAIMS 1-21 UNDER 35 U.S.C. § 103**A. Claims 1, 4-5, 7-12, 14-16 and 18-19**

The Examiner has rejected claims 1, 4-5, 7-12, 14-16 and 18-19 in the Office Action under 35 U.S.C. § 103 as being unpatentable over Farfan (U.S. Patent No. 5,946,378, issued on August 31, 1999, hereinafter referred to as "Farfan") in view of Petrunka (U.S. Patent No. 6,298,127, issued on October 2, 2001, hereinafter referred to as "Petrunka"). Applicant respectfully traverses the rejection.

Farfan teaches an information on hold telephony service. Disclosed is an on-hold telephone service that allows a subscriber to the service to place a call on hold and make information services available to the party placed on hold. (See Farfan, Abstract, emphasis added.)

Petrunka teaches a call transfer method where each leg of the transferred call is billed separately. (See Petrunka, Abstract)

The Examiner's attention is directed to the fact that Farfan and Petrunka, alone or in any permissible combination, fail to teach, show or suggest the novel concept of a method and system of time slicing a telecommunications call comprising, connecting a caller to a subscriber of a time slicing service and determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided by said alternate device, as positively claimed by Applicant's independent claim 1. Specifically, Applicant's independent claim 1 recites:

1. A method of time slicing a telecommunications call, comprising:
connecting a caller to a subscriber of a time slicing service; then:
determining if the subscriber is available to continue the call from the caller;

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connecting the caller to an alternate device that provides alternate services when the subscriber is not available to continue the call;

terminating the alternate services and resuming communication between the caller to the subscriber when the subscriber is available to continue the call; and

determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided by said alternate device. (Emphasis added.)

Independent claims 14, 15 and 16 contain similar limitations. In one embodiment, Applicant's invention is a method and system of time slicing a telecommunications call comprising connecting a caller to a subscriber of a time slicing service and determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided by said alternate device. More specifically, Applicant's invention discloses a service where a subscriber, e.g., an 800 (toll free) subscriber, is able to share the cost of a toll free call. For example, if a customer calls an 800 number and is subsequently placed on hold, the 800 (toll free) subscriber will be charged for the entire call made by the customer. Unfortunately, since the 800 (toll free) subscriber is unable to field the call made by the customer, e.g., no service agent is currently available, the 800 (toll free) subscriber will incur a substantial phone charge while the customer is placed on hold. If there are numerous customers placed on hold, the phone charges can quickly escalate. To address this criticality, Applicant's invention provides a subscriber with a time slicing service. This service tracks the time that a customer is presented with other third party services while on hold so that the subscriber is not charged for the entire call. Thus, Applicant's invention provides a service that splits or slices time between the subscriber and other third parties and, in turn, charges each of the parties accordingly based on the time the customer (the caller) spent with each party. Thus, since the caller is provided with alternate services while kept on hold, the portion of the call during which the alternate services are provided can be billed to another party. Furthermore, this service is provided to the caller for connecting the caller to an alternate device that provides alternate services when the subscriber is not available to continue the call (See Applicant's specification, p. 1, ll. 25-27.)

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In contrast, both Farfan and Petrunka fail to teach, show or suggest a method and system of time slicing a telecommunications call comprising connecting a caller to a subscriber of a time slicing service and determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided by said alternate device. Farfan fails to teach, show or suggest the limitation of connecting a caller to a subscriber of a time slicing service. Farfan only teaches that when a called party wants to, the called party may place the calling party on hold for accessing information services, e.g., news, weather and stock market information. (See Farfan, Abstract) An important distinction is that Farfan does not provide a subscriber with a time slicing service. Farfan is not concerned with allocating the cost of the call to other third parties so that the subscriber is not burdened with the entire call. Instead, Farfan only teaches a method that allows a subscriber to place a caller on hold and allows the party placed on hold to access other services. There is no disclosure in Farfan that the providers of these other services will be attributed a portion of the cost of the call. As such, since Farfan does not provide this cost splitting function, there is no need to track the amount of time that is spent by the party placed on hold while interacting with other third parties. Therefore, Farfan clearly fails to teach, show or suggest connecting a caller to a subscriber of a time slicing service, as positively recited by Applicant's independent claims 1, 14, 15 and 16.

Furthermore, as conceded by the Examiner, Farfan also fails to teach, show or suggest the limitation of determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided by said alternate device. Again, this is consistent with Farfan's teaching. Since Farfan does not provide the cost splitting function, there is no need to track the amount of time that is spent by the party placed on hold while interacting with other third parties. However, the Examiner alleges that this limitation is taught by Petrunka. The Applicant respectfully submits that Petrunka fails to bridge the substantial gap left by Farfan.

To illustrate, Applicant's invention teaches determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided by said alternate device, (i.e.

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tracking the time connecting a caller to a subscriber and tracking the time connecting the caller to one or more alternate third party devices.) Consequently, time splicing is required as taught by the Applicant's invention, i.e., counting time for services provided by a device. In contrast, Petrunka clearly teaches only transferring the call to another live agent and not to a device. (e.g., See Petrunka, Column 6, lines 16-25) Thus, at best, Petrunka is counting the time that is spent with talking to another live agent and not to services provided by a device as positively claimed by the Applicant.

In fact, Farfan teaches away from Petrunka. First Farfan teaches that the call is first connected between two parties and then the third party service is presented to a party on hold. In contrast, Petrunka simply teaches that the call is transferred to another live agent, where the caller is not placed on hold. In other words, Farfan teaches an on-hold event, whereas there is no on-hold event in Petrunka.

Therefore, the combination of Farfan and Petrunka would still fail to teach, show or suggest a method and system of time slicing a telecommunications call comprising connecting a caller to a subscriber of a time slicing service and determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided by said alternate device, as positively claimed by the Applicant's independent claims 1, 14, 15 and 16.

Moreover, dependent claims 4-5, 7-12 and 18-19 depend from independent claims 1 and 16, respectively, and recite additional limitations. As such, and for the exact same reason set forth above, the Applicant submits that claims 4-5, 7-12 and 18-19 are also patentable over Farfan and Petrunka. As such, the Applicant respectfully requests the rejection be withdrawn.

B. Claim 2

The Examiner rejected claim 2 as being unpatentable over Farfan and Petrunka in view of Andrews, et al. (U.S. Patent No. 5,271,058, issued on December 14, 1993, hereinafter referred to as "Andrews"). The Applicant respectfully traverses the rejection.

The teachings of Farfan and Petrunka are discussed above. Andrews teaches a switchless automatic call distribution system used with a combination of networks. An automatic call distributing system for automatically distributing telephone calls placed

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over a network to one of a plurality of agent stations connected to the network via network service interfaces. (See Andrews, Abstract.)

The Examiner's attention is directed to the fact that Farfan, Petrunka and Andrews, alone or in any permissible combination, fail to teach or to suggest the novel concept of a method and system of time slicing a telecommunications call comprising connecting a caller to a subscriber of a time slicing service and determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided by said alternate device, as positively claimed by Applicant's independent claim 1. (See *supra*.)

In one embodiment, Applicant's invention is a method and system of time slicing a telecommunications call comprising connecting a caller to a subscriber of a time slicing service and determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided by said alternate device. Thus, since the caller is provided alternate services by an alternate device while kept on hold, the portion of the call during which the alternate services are provided by the alternate device can be billed to another party. (See Applicant's specification, p. 1, ll. 25-27.)

As discussed above, Farfan and Petrunka fail to teach, show or suggest in one embodiment, Applicant's invention is a method and system of time slicing a telecommunications call comprising connecting a caller to a subscriber of a time slicing service and determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided by said alternate device. Moreover, Andrews fails to bridge the substantial gap left by Farfan and Petrunka. Andrews only teaches an automatic call distributing system for automatically distributing telephone calls placed over a network to one of a plurality of agent stations connected to the network via network service interfaces. (See Andrews, Abstract.) Even if Farfan, Petrunka and Andrews were permissibly combined, the combination would still fail to teach, show or suggest a method and system of time slicing a telecommunications call comprising connecting a caller to a subscriber of a time slicing service and determining a portion of total call charges associated with the call that is attributable to at least one entity other than the

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subscriber based on the alternate services provided by said alternate device.

Therefore, the combination of Farfan, Petrunka and Andrews fail to render obvious Applicant's independent claim 1.

Moreover, dependent claim 2 depends from independent claim 1 and recite additional limitations. As such, and for the exact same reason set forth above, the Applicant submits that claim 2 is also patentable and not obvious over Farfan, Petrunka and Andrews. As such, the Applicant respectfully requests the rejection be withdrawn.

C. Claims 3, 6, 17 and 21

The Examiner rejected claims 3, 6, 17 and 21 as being unpatentable over Farfan and Petrunka in view of Iida, et al. (U.S. Patent No. 5,440,541, issued on August 8, 1995, hereinafter referred to as "Iida"). The Applicant respectfully traverses the rejection.

The teachings of Farfan and Petrunka are discussed above. Iida teaches a system and method for establishing communications between subscribers based on personal number assigned to each subscriber. The invention aims at realizing a real-time call process by performing a timesaving operation in retrieving personal information in a personal communications system for establishing communications based on a unique personal number assigned to each subscriber. (See Iida, Abstract.)

The Examiner's attention is directed to the fact that Farfan, Petrunka, and Iida alone or in any permissible combination, fail to teach or to suggest the novel concept of a method and system of time slicing a telecommunications call comprising connecting a caller to a subscriber of a time slicing service and determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided by said alternate device, as positively claimed by Applicant's independent claims 1 and 16. (See *supra*.)

In one embodiment, Applicant's invention is a method and system of time slicing a telecommunications call comprising connecting a caller to a subscriber of a time slicing service and determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided by said alternate device. Thus, since the caller is provided alternate

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services by the alternate device while kept on hold, the portion of the call during which the alternate services are provided by the alternate device can be billed to another party. (See Applicant's specification, p. 1, ll. 25-27.)

As discussed above, Farfan and Petrunka fail to teach, show or suggest in one embodiment, Applicant's invention is a method and system of time slicing a telecommunications call comprising connecting a caller to a subscriber of a time slicing service and determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided by said alternate device. Moreover, Iida fails to bridge the substantial gap left by Farfan and Petrunka. Iida only teaches realizing a real-time call process by performing a timesaving operation in retrieving personal information in a personal communications system for establishing communications based on a unique personal number assigned to each subscriber. (See Iida, Abstract.) Even if Farfan, Petrunka and Iida were permissibly combined, the combination would still fail to teach, show or suggest a method and system of time slicing a telecommunications call comprising connecting a caller to a subscriber of a time slicing service and determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided by said alternate device. Therefore, the combination of Farfan, Petrunka and Iida fail to render obvious Applicant's independent claims 1 and 16.

Moreover, dependent claims 3, 6, 17 and 21 depends from independent claims 1 and 16, respectively, and recite additional limitations. As such, and for the exact same reason set forth above, the Applicant submits that claims 3, 6, 17 and 21 are also patentable and not obvious over Farfan, Petrunka and Iida. As such, the Applicant respectfully requests the rejection be withdrawn.

D. Claims 13 and 20

The Examiner rejected claims 13 and 20 as being unpatentable over Farfan and Petrunka in view of Gregorek, et al. (U.S. Patent No. 5,321,740, issued on June 14, 1994, hereinafter referred to as "Gregorek"). The Applicant respectfully traverses the rejection.

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The teachings of Farfan and Petrunka are discussed above. Gregorek teaches a telephone marketing system. The marketing system selectively modifies an existing telephone network by modifying a portion of the call processing software of the existing telephone network and by replacing at least a portion of an audible call progress signal generated by the telephone network by a prerecorded announcement. (See Gregorek, Abstract.)

The Examiner's attention is directed to the fact that Farfan, Petrunka and Gregorek, alone or in any permissible combination, fail to teach or to suggest the novel concept of a method and system of time slicing a telecommunications call comprising connecting a caller to a subscriber of a time slicing service and determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided by said alternate device, as positively claimed by Applicant's independent claims 1 and 16. (See *supra*.)

In one embodiment, Applicant's invention is a method and system of time slicing a telecommunications call comprising connecting a caller to a subscriber of a time slicing service and determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided by said alternate device. Thus, since the caller is provided alternate services by the alternate device while kept on hold, the portion of the call during which the alternate services are provided by the alternate device can be billed to another party. (See Applicant's specification, p. 1, ll. 25-27.)

As discussed above, Farfan and Petrunka fail to teach, show or suggest In one embodiment, Applicant's invention is a method and system of time slicing a telecommunications call comprising connecting a caller to a subscriber of a time slicing service and determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided by said alternate device. Moreover, Gregorek fails to bridge the substantial gap left by Farfan and Petrunka. Gregorek only teaches a marketing system selectively modifies an existing telephone network by modifying a portion of the call processing software of the existing telephone network and by replacing at least a portion of an audible call progress signal generated by the telephone network by a

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prerecorded announcement. (See Gregorek, Abstract.) Even if Farfan, Petrunka and Gregorek were permissibly combined, the combination would still fail to teach, show or suggest a method and system of time slicing a telecommunications call comprising connecting a caller to a subscriber of a time slicing service and determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided by said alternate device. Therefore, the combination of Farfan, Petrunka and Gregorek fail to render obvious Applicant's independent claims 1 and 16.

Moreover, dependent claims 13 and 20 depends from independent claims 1 and 16, respectively, and recite additional limitations. As such, and for the exact same reason set forth above, the Applicant submits that claims 13 and 20 are also patentable and not obvious over Farfan, Petrunka and Gregorek. As such, the Applicant respectfully requests the rejection be withdrawn.

Conclusion

Thus, the Applicant submits that all of these claims now fully satisfy the requirements of 35 U.S.C. §103. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,



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